



January 23, 2024

NCPH Statement of Concern Regarding UT HB0257

As the National Council on Public History prepares for its annual meeting in Salt Lake City, Utah, on April 10-13, 2024, we write with urgent concern regarding legislation currently under consideration in the Utah Senate. [House Bill 257](#), if passed, would impact the safety of our transgender and non-binary members, especially those living and working in Utah, and will have the effect of deterring our members from traveling to Utah. This legislation will also impact visitors to publicly-funded museums and public history sites, not to mention the effects on those attending, teaching, and researching at public universities.

Named the Sex-Based Designations for Privacy, Anti-Bullying, and Women's Opportunities Act, House Bill 257, if passed, would limit access to public restrooms for transgender persons unless they satisfied two extremely onerous requirements: they must have amended the sex designation on their birth certificate; and they must have had a surgical operation that has resulted in sterilization. While the bill itself does not reference sterilization, according to the Definitions section of the Utah Medical Practice Act, sterilization is a result of every one of the listed surgeries that would satisfy the requirement of House Bill 257.

House Bill 257 stipulates that transgender and non-binary people who violate the act can be charged with criminal trespass. The bill further stipulates that cisgender persons may prove their right to use the public restroom by carrying a copy of their unamended birth certificate or a copy of documentation of a medical procedure that correlates to the presence of certain internal or external anatomical conditions. For transgender persons, they are required to carry both an amended birth certificate and a copy of proof of the surgical operation that has resulted in their sterilization. These requirements are burdensome, invasive to personal privacy, and will create an atmosphere of suspicion and surveillance of all people in public restrooms, including cisgender people. We strongly object to these requirements.

NCPH will be keeping a watchful eye on the legislative landscape in Utah in the lead-up to our 2024 conference. While in the city, we intend to connect with and stand in support of historians and educators in Utah and elsewhere in their fight against this and similar legislation. We are in close contact with our host hotel to ensure the availability of gender neutral restrooms in the conference space. We are now in the process of connecting with our offsite venues to ensure safe bathroom access for all in those spaces as well.

There remain a host of reasons, some legislative, some practical, and some health-related, why members of our community are unable to travel to certain places, or to travel at all. We will continue to expand our virtual

programming, and renew our commitment to offering (in addition to in-person events) virtual professional development and networking opportunities for reasons of access, equity, and personal health and safety.

The National Council on Public History stands firm in its belief that the practice of history is made fundamentally richer by attention to diversity, equity, and inclusion and that a central purpose of history is the protection and advancement of human rights in the present. That is what “putting history to work in the world” means, and we remain committed to this mission, especially at this critical moment for our country.